

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

October 11, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Dr. Derrick J. Hughes from Springdale Baptist Church. Councilwoman Holt, Councilmen Lowery and Brown presented Dr. Hughes with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

22. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5133

Held to October 25, 2005

23. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES REGARDING GENERAL RESTRICTIONS ON ISSUANCE OF LICENSE TO SELL BEER FOR OFF-PREMISES CONSUMPTION, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5134

Held to October 25, 2005

47. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF HACKS CROSS ROAD AND BILL MORRIS PARKWAY, CONTAINING 8.9 ACRES IN THE PARCEL L OF THE BUCKINGHAM FARMS P.D. +/-4 ACRES (P.D. 95-310CC) AND THE NONCONNAH CROSSING PLANNED DEVELOPMENT P.D. 02-335CC – 5.5 ACRES.(Held from 9/6)**
Case No. PD 05-313cc
(Companion Case: PD 03-363cc)

Held to November 15, 2005

48. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF MENDENHALL; AT THE WESTERN TERMINUS OF BARRY ROAD, CONTAINING 1.36 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (Held from 9/20)**
Case No. PD 05-334

Held to October 25, 2005

54. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF MACON ROAD;+194 FEET WEST OF PISGAH ROAD CENTERLINE, CONTAINING 1.127 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 05-209cc

Applicant: David C. Peck

Request: Motorcycle Repair and Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

DROPPED

42. **ORDINANCE REZONING PLOUGH BOULEVARD SOUTH OF WINCHESTER ROAD, CONTAINING 2,300 LINEAR FEET, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5131
Case No. SNC 05-803

Applicant: Airport Authority

Request: Change un-named Airport Connector Road to Jim McGehee Parkway

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Taylor

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

64. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR ELDER LEE WARD.**

MOTION: Sammons
SECOND: McCormick

APPROVED, by unanimous voice vote (moved from Consent Agenda to Regular Agenda)

21. **RESOLUTION CONGRATULATING MS. DOROTHY OSRADKER ON HER 60TH YEAR ANNIVERSARY.**

MOTION: Sammons
SECOND: Peete

APPROVED, by unanimous voice vote

51. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF MACON ROAD AND HOUSTON LEVEE ROAD, CONTAINING 65.9 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-344cc

Applicant: Jerry and Linda Phillips
 Fisher and Arnold (Jud TePaske) – Representative

Request: Area 1:37 acres – Retail Commercial
 Area 2A: 17 acres-Residential Use (Min. Lot Size 8,000 sq. ft.)
 Area 2B: 11 acres-Residential Use (Min. Lot Size 5,000 sq. ft.)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Brown
 SECOND: McCormick
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Taylor and Chairman Ford
 Hooks, Peete and Sammons did not cast a vote

APPROVED, as amended

19. **RESOLUTION HONORING CANDACE PEEBLES.**

MOTION: Taylor
 SECOND: Brown

APPROVED, by unanimous voice vote

20. **RESOLUTION HONORING BRITTANY ACEY.**

MOTION: Brown
 SECOND: Holt

APPROVED, by unanimous voice vote

39. **RESOLUTION APPROPRIATING \$500,000.00 FUNDED BY STATE GRANT FUNDS FOR PHASE 1 OF BEALE STREET LANDING, PROJECT NUMBER GA 01002 FOR A CONSTRUCTION CONTRACT WITH RIVERFRONT DEVELOPMENT CORPORATION. RESOLUTION REQUEST COUNCIL APPROVAL OF THE SCHEMATIC DESIGN.**

Chairman Ford recognized the following person from the audience:

Sue Williams, 1694 N. Parkway, Mphs,TN 38112

Director of Public Works and City Engineer recommends approval

MOTION: Hooks
 SECOND: Holt
 AYES: Brown, Holt, Hooks, Lowery, Marshall, McCormick, Mitchell, Sammons, Taylor and Chairman Ford
 NAYS: Chumney and Jones
 Peete did not cast a vote

APPROVED

24. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED THIRTY-SIX THOUSAND, NINE HUNDRED NINETY-TWO DOLLARS AND SIXTY CENTS (\$136,992.60) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons, Taylor and Chairman Ford
 Peete did not cast a vote

APPROVED

25. **RESOLUTION APPROPRIATING \$2,000,000.00 IN GENERAL OBLIGATION BONDS TO MEMPHIS BIOTECH FOUNDATION (PS02005) FOR FISCAL YEAR 2006.**

MOTION: Chumney
SECOND: Holt
AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAYS: Brown

APPROVED

MOTION: Mitchell – Reconsider the vote on Item #25
SECOND: Jones
AYES: Brown, Jones and Mitchell
NAYS: Chumney, Holt, Hooks, Lowery, Marshall, McCormick, Peete, Sammons, and Taylor
Ford did not cast a vote

FAILED, set up as Special Item #1

CONSENT AGENDA – Items 1-5 & 55-63 may be acted upon by one motion. SEE PAGE 1712 FOR ROLL CALL

1. **ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, BY ADDING A NEW SECTION, STORM WATER ENTERPRISE FUND, ESTABLISHING A STORM WATER ENTERPRISE FUND, PROVIDING FOR THE POWERS, DUTIES AND RESPONSIBILITIES OF THE ENTERPRISE, ESTABLISHING A STORM WATER FEE; ESTABLISHING A POLICY REGARDING EXPENDITURE OF ENTERPRISE REVENUES, UP FOR S E C O N D READING.**

Ordinance No. 5135

Director of Public Works recommends approval

APPROVED, on Second reading

2. **ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF MEMPHIS BY VIRTUE OF THE PROVISIONS OF CHAPTER 113 OF THE PUBLIC ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE FOR 1955, AS AMENDED, BY ANNEXING RALEIGH NORTH ANNEXATION AREA AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5137

APPROVED, on Second reading

3. **ORDINANCE EXTENDING FROM THE NORTHERN TERMINUS OF HUNTER’S GLADE LANE TO THE EASTERN TERMINUS OF CALLIE MANOR DRIVE, CONTAINING 22.63 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5138
Case No. Z 05-114cc

APPROVED, on First reading

4. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR S E C O N D READING.**

Ordinance No. 5136
Case No. ZTA 05-001cc

APPROVED, on Second reading

5. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 05-345cc – The Gardens of Grey’s Hollow II, P.D.
- B. Case No. PD 05-349 – Hidden Woods P.D., Amended
- C. Case No. PD 05-350 – Grahamwood Place, P.D.

Public Hearing set for October 25 2005

- D. Case No. SAC 05-610 – Wesley Drive

Public Hearing set for November 1, 2005

55. **RESOLUTION APPROVING FINAL PLAT OF SOUTH END NORTH SUBDIVISION.**
Case No. S 05-020

Resolution approves the final plat located on the east side of Tennessee Street, north of Georgia Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

56. **RESOLUTION APPROVING FINAL PLAT OF SOUTH END SOUTH SUBDIVISION.**
Case No. S 05-021

Resolution approves the final plat located on the northeast corner of Tennessee Street and Georgia Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

57. **RESOLUTION ACCEPTING WEST MASSEY ROAD IMPROVEMENTS (LAUSANNE SCHOOL), AND AUTHORIZING RELEASE OF BOND.**
(Contract No. CR-4846)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of West Massey Road, between Lendenwood Road and Ronald Road. The standard improvement contract was approved on January 6, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$39,000.00.

City Engineer recommends approval

APPROVED

58. **RESOLUTION APPROVING ENGINEERING PLANS FOR CHANNEL 3 DRIVE ROAD IMPROVEMENTS.**
Contract No. CR-4977

Resolution approves the final plat located on the east side of Riverside Drive, south of Carolina Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvements contract.

City Engineer recommends approval

APPROVED

59. **RESOLUTION APPROVING FINAL PLAT OF DAVIES MANOR SUBDIVISION.**
Case No. S 05-007cc
Contract No. CR-4978

Resolution approves the final plat located on the southwest corner of Davies Plantation Road and Davies Manor Drive. Cost of the required improvements to be borne by the Developer.

Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

60. **RESOLUTION APPROVING ENGINEERING PLANS OF FOUNTAIN BROOK PD SEWER EXTENSION.**

Case No. PD 04-370cc
Contract No. CR-4979

Resolution approves the engineering plans of FOUNTAIN BROOK PD SEWER EXTENSION, located northeast of Berryhill Road, southeast of Berry Bush Lane. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

APPROVED

61. **RESOLUTION APPROVING FINAL OF KATE BOND PLANNED DEVELOPMENT, AMENDED, PHASE 2, AREA A.**

Case No. PD 04-380
Contract No. CR-4980

Resolution approves the final plat located on the east side of Kate Bond Road south of Bland Lane. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

62. **RESOLUTION APPROVING SEWER PLAN FOR LOST CREEK PD, SEWER EXTENSION.**

Contract No. CR-4981

Resolution approves the sewer plan located on Dexter Grove Cove, 442 feet southwest of Appling Road. Cost of the required improvements to be shared between the City and the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

63. **RESOLUTION APPROVING FINAL PLAT OF RIVERDALE/RAINES C-P, PHASE 1.**

Case No. Z -2360
Contract No. CR-4982

Resolution approves the final plat located on the west side of Riverdale Road, north of Raines Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Marshall
SECOND: McCormick
AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
Chumney abstained

APPROVED

52. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF PIER STREET AND CHANNEL AVENUE, CONTAINING 5.022 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.** (Held from 9/6)
Case No. SUP 05-207

Chairman Ford recognized the following persons from the audience:

Rev. Ralph White, 7583 Fairway Forest Dr., North, Cordova, TN 38016
Richard Fields – No address information available
Robert Spence 1 Commerce Square, Mphs, TN 38103

Applicant: Radiological Assistance Consulting & Engineering (RACE)
Robert Spence, SpenceWalk, PLLC – Representative

Request: Storage & Distribution of Radioactive Materials including a radioactive waste incinerator

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

Louise Mercuro read the conditions for Item #52:

- 1) **The SUP will be granted for the storage and distribution of radioactive materials, but will not be granted the radioactive waste incinerator**
- 2) **There will be a three year moratorium in effect before an application for an incinerator will be accepted. And prior to submitting an application, RACE will contact Memphis Truth and other interested parties. Mr. Peete then stated the language needed to be modified to say that RACE cannot apply for an incinerator for three years**

Councilman Peete stated that he would like to amend the first case and add those two items as an amendment to that case so that number 52 is restructured to reflect those two items. Councilman Marshall asked Councilman Peete if he would accept that as a friendly amendment. Councilman Peete accepted

MOTION: Peete
SECOND: Marshall

53. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF JACK CARLEY CAUSEWAY AND WEST TRIGG AVENUE, CONTAINING 28.951 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.** (Held from 9/6)
Case No. SUP 05-208

Chairman Ford recognized the following persons from the audience:

Rev. Ralph White, 7583 Fairway Forest Dr., North, Cordova, TN 38016
Richard Fields – No address information available
Robert Spence 1 Commerce Square, Mphs, TN 38103

Applicant: Radiological Assistance Consulting & Engineering (RACE)
Robert Spence, SpenceWalk, PLLC – Representative

Request: Storage & Distribution of Radioactive Materials

LUCB recommendation: REJECTION

OPD recommendation: REJECTION

Louise Mercuro read the conditions for Item #53:

- 1) The SUP will be granted for the storage and distribution of radioactive materials
- 2) Race will make its best effort to purchase the three residences which are located within 648 feet of the site at their appraised value within six months
- 3) Race will make its best effort to assist the teen after school program located within 778 feet of the site within six months. Mr. Peete added will assist the teen after school in relocating and finding another location is what the language should say
- 4) Mr. Peete added that the litigation on both sides will be dropped. Neither side will be able to sue the other side

Mr. Peete asked Louise Mercuro to read all six items in the total agreement

MOTION: Peete
SECOND: Marshall

MOTION: Peete – Move previous question

Councilman Peete asked Allan Wade to give the Council guidance on linking the two items together. Mr. Wade stated that you have two motions on the floor at the same time. Both have been amended and conditioned by a motion by Councilman Peete. I don’t think that the record is clear, that these items are to be considered and voted on together and I would suggest a motion to consolidate Item 53, Case No. SUP 05-208 as amended and conditioned by motion of Councilman Peete with Item 52, Case No. SUP 05-207 as conditioned and amended for the purpose of considering and voting on such items as one consolidated item. I believe that you can ask that this be approved without objection, if someone would move it.

MOTION: Peete
SECOND: McCormick

Allan Wade then stated that it would be appropriate to move the adoption of consolidated Item #52, Case No. SUP 05-207 as amended and conditioned and Case No. SUP 05-208 as amended and conditioned

MOTION: Peete – Move the adoption of consolidated Item #52 as amended and conditioned and consolidate Item #53 as amended and conditioned
SECOND: Holt
AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAYS: Brown

APPROVED, items 52 & 53, as amended

49. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF HACKS CROSS ROAD AND PLAYERS CLUB PARKWAY WEST, CONTAINING 15.85 ACRES IN AN AREA CURRENTLY GOVERNED BY FIELDSTONE PD (PD 94-355).**

Case No. PD 05-337

Applicant: Players Crossing Partners
Davis Engineering Company, Inc. – Representative

Request: Planned development amendment to allow a wine/liquor retail store within Parcel ‘C’ of the Outline Plan
LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: McCormick

SECOND: Marshall
AYES: Brown, Chumney, Holt, Lowery, Marshall, McCormick, Mitchell, Peete,
Sammons, Taylor and Chairman Ford
Hooks and Jones did not cast a vote

APPROVED, as amended

MLGW FISCAL CONSENT- Items 6, 7, 8 & 10-18 may be acted upon by one motion

6. **RESOLUTION AWARDING CONTRACT NO. 11077, FLU SHOTS, TO WELLNESS FIRST, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$25,500.00.**

APPROVED

7. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10797, SOUTHEAST JANITORIAL SERVICES, WITH FACILITIES MAINTENANCE EXPERTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$38,010.82, WITH UNIT RATE ADJUSTMENTS. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 11/1/05 TO 10/31/06.)**

APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10798, SOUTHEAST JANITORIAL SERVICES, WITH FACILITIES MAINTENANCE EXPERTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$92,200.48, WITH UNIT RATE ADJUSTMENTS. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 11/1/05 TO 10/31/06.)**

APPROVED

9. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 2 TO CONTRACT NO. 10817, MANAGED PRESCRIPTION DRUG PROGRAM, WITH EXPRESS SCRIPTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$2,750,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 90 DAYS BEGINNING 1/1/06.)**

Back to Committee on October 25, 2005

10. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 1 TO CONTRACT NO. 10870, PREFERRED PROVIDER ORGANIZATION COVERAGE, WITH HEALTH CHOICE, LLC, IN AN ESTIMATED FUNDED AMOUNT OF \$19,999,998.00. (THIS EXTENDS THE CONTRACT ON A MONTH-BY-MONTH BASIS BEGINNING 1/1/06.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10996, WEAVER ROAD WATER MAIN EXTENSION, WITH NELSON, INC. IN THE FUNDED AMOUNT OF \$120,095.00. (THIS COVERS THE COST OF ADDITIONAL UNITS REQUIRED TO COMPLETE THE WATER MAIN EXTENSION.)**

APPROVED

12. **RESOLUTION AWARDING CONTRACT FOR DUCTILE IRON PIPE TO U. S. PIPE AND FOUNDRY COMPANY IN THE AMOUNT OF \$765,124.00, APPROXIMATELY.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT FOR SERVER HARDWARE AND SOFTWARE TO HEWLETT-PACKARD COMPANY IN THE AMOUNT OF \$751,227.70.**

APPROVED

14. **RESOLUTION AWARDDING CONTRACT FOR T1 INTEGRATED ACCESS DEVICE TO WALKER AND ASSOCIATES, INC. IN THE AMOUNT OF \$71,087.76.**

APPROVED

15. **RESOLUTION REQUESTING RATIFICATION OF PURCHASE ORDERS ISSUED ON AN EMERGENCY BASIS FOR REPAIR AND RENTAL OF A GENSET 1750 KW DIESEL GENERATOR TO CUMMINS MID-SOUTH, LLC, IN THE AMOUNT OF \$105,188.25.**

APPROVED

16. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR INDUSTRIAL TRACTORS TO TIGER EQUIPMENT, INC. IN THE AMOUNT OF \$1,565,650.00.**

APPROVED

17. **RESOLUTION APPROVING PAYMENT TO THE MID-SOUTH MINORITY BUSINESS COUNCIL IN THE AMOUNT OF \$50,000.00 AS RESTRICTED FUNDS FOR THE MEMPHIS TOMORROW SUPPLIER DIVERSITY PROJECT.**

APPROVED

18. **RESOLUTION AWARDDING CONTRACT NO. 11078, PROFESSIONAL CLAIMS ADJUSTING SERVICES, TO HORTON & ASSOCIATES IN AN ESTIMATED FUNDED AMOUNT OF \$160,000.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Marshall
SECOND: McCormick
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Taylor and Chairman Ford
Sammons did not cast a vote

APPROVED, with the exception of Item #9, which will go back to Committee on October 25, 2005

65. **RESOLUTION APPROVING THE ELECTION OF CITY COUNCIL CHAIRMAN FOR 2006.**

MOTION: Marshall
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED, nomination of TaJuan Stout Mitchell

26. **RESOLUTION APPROVING A TRANSFER OF AN UNIMPROVED CITY OWNED, TAX PARCEL, TO THE FRAYSER COMMUNITY DEVELOPMENT CORPORATION IN THE AMOUNT OF \$50.00. THE PARCEL LIES ON THE WEST SIDE OF ALINE ROAD OPPOSITE SMITH RIDGE ROAD LOCATED IN THE CITY OF MEMPHIS. THE FRAYSER COMMUNITY DEVELOPMENT CORPORATION, PLANS TO BUILD A SINGLE FAMILY HOUSE THAT IS TO BE OWNER OCCUPIED.**

1st Reading

MOTION: Brown
SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED, on First reading

27. **RESOLUTION INCLUDING CAPITAL ACQUISITION '06, CIP NUMBER GS02003 AS PART OF THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT PROGRAM. RESOLUTION SEEKS TO AMEND THE CAPITAL EQUIPMENT REQUEST BY REPLACING (2) TWO \$20,000.00 4 X 4 PICKUPS WITH A \$25,000.00 TRACTOR AND A \$15,000.00 STUMP CUTTER AND GRINDER.**

MOTION: Brown
 SECOND: Marshall
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons, Taylor and Chairman Ford
 Peete did not cast a vote

APPROVED

28. **RESOLUTION APPROVING PURCHASE OF EASEMENT FROM DOROTHY LESTER, EXECUTRIX, LOCATED SOUTH SIDE OF PLEASANT RIDGE ROAD, APPROXIMATELY 200 FEET EAST OF THE CENTERLINE OF STEWART ROAD, AS MEASURED ALONG THE CENTERLINE OF PLEASANT RIDGE ROAD, FOR THE SUM OF \$34,590.00.**

MOTION: Brown
 SECOND: Hooks
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and Chairman Ford
 Peete and Taylor did not cast a vote

APPROVED

29. **RESOLUTION APPROVING PURCHASE OF EASEMENT FROM DOROTHY LESTER, EXECUTRIX, LOCATED NORTHWEST CORNER OF LONG ROAD AND PAUL BARRET PARKWAY (STATE ROUTE 385), FOR THE SUM OF \$75,009.00.**

MOTION: Brown
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and Chairman Ford
 Peete and Taylor did not cast a vote

APPROVED

30. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$3,000,000.00 FUNDED BY G.O. BONDS-GENERAL WITHIN MHA-LAMAR TERRACE/UNIVERSITY PLACE, PROJECT CD01015, FOR PROJECT INFRASTRUCTURE AND SITE IMPROVEMENT COSTS ASSOCIATED WITH THE PROJECT.**

MOTION: Holt
 SECOND: McCormick
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor was absent

APPROVED

31. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED VACANT LAND AT 1088 SPRINGDALE (04203800095) AND 2225 BROWN STREET (04203800097), IN THE NORTH MEMPHIS AREA TO HILL CHAPEL COMMUNITY DEVELOPMENT**

CORPORATION IN THE AMOUNT OF \$23,458.00 FOR REPLACEMENT HOUSING. THE TWO PROPERTIES ARE CONNECTED BY SPRINGDALE AND BROWN STREET.

Director of Housing and Community Development recommends approval

MOTION: Holt
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Lowery, Marshall and Taylor did not cast a vote

APPROVED

32. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING OF \$230,000.00 FUNDED BY G.O. BONDS-GENERAL FROM CONTRACT CONSTRUCTION WITHIN HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT CD01025, TO CONTRACT CONSTRUCTION WITHIN HCD-CEDAR GROVE, PROJECT CD01060.**

The resolution will also appropriate \$230,000.00 funded by G.O. Bonds-General within HCD-Cedar Grove, project CD01060, for infrastructure construction costs.

MOTION: Holt
 SECOND: Sammons
 AYES: Brown, Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Lowery, Marshall and Taylor did not cast a vote

APPROVED

33. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$465,000.00 FUNDED BY G.O. BONDS-GENERAL FROM CONTRACT CONSTRUCTION WITHIN HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT CD01025, TO CONTRACT CONSTRUCTION WITHIN HCD-VANDERBILT PARK, PROJECT CD01059.**

The resolution will also appropriate \$465,000.00 funded by G.O. Bonds-General within HCD-Vanderbilt Park, project CD01059, for infrastructure construction costs.

MOTION: Holt
 SECOND: Jones
 AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$172,982.00 FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR THE GANG RESISTANCE EDUCATION AND TRAINING (GREAT) GRANT TO PROVIDE A SCHOOL-BASED CURRICULUM TO TEACH STUDENTS THE SKILLS THEY NEED TO AVOID GANG PRESSURES AND YOUTH VIOLENCE. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons
 SECOND: Jones
 AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

35. **RESOLUTION APPROPRIATING FUNDING IN THE AMOUNT OF \$323,000.00 TO THE IN CAR VIDEO/PAPERLESS REPORTING, CIP PROJECT #PD04010 AS PART OF THE FY '06 CAPITAL IMPROVEMENT BUDGET.**

Resolution also amends the FY 2006 Capital Improvement Budget by transferring an allocation and an appropriation of \$177,000.00 funded by G.O. Bonds General from Furniture, Fixture and Engineering to Information Technology in CIP Project PD04010, In Car Video/Paperless Reporting.

MOTION: Sammons

SECOND: Jones

AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

36. **RESOLUTION INFORMING CHANGE OF VENDORS FOR THE IN CAR VIDEO/PAPERLESS REPORTING, CIP PROJECT #PD04010 AS PART OF THE FY '06 CAPITAL IMPROVEMENT BUDGET, FOR A TOTAL BID COST OF \$335,410.00.**

MOTION: Sammons

SECOND: Jones

AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

37. **RESOLUTION APPROPRIATING \$293,314.00 FUNDED BY G.O. BOND FUNDS FOR STREET LIGHTING, PROJECT NUMBER PW01093 FOR THE INSTALLATION AND REPLACEMENT OF CITY OWNED STREET LIGHT POLES AND EQUIPMENT ON EXPRESSWAYS.**

Director of Public Works recommends approval

MOTION: Hooks

SECOND: Holt

AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

38. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING ALLOCATIONS OF \$16,486.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO BIG ORANGE LIFT STATION PUMP, PROJECT NUMBER SW02063.**

Resolution appropriating \$16,486.00 funded by Sewer Funds for Big Orange Lift Station Pump, project number SW02063.

Director of Public Works recommends approval

MOTION: Hooks

SECOND: Holt

AYES: Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Brown, Lowery, Marshall and Taylor did not cast a vote

APPROVED

40. **RESOLUTION APPROPRIATING \$207,000.00 FUNDED BY G.O. BONDS FOR RIVERFRONT PARK IMPROVEMENTS, PROJECT NUMBER GA01003 FOR THE CONSTRUCTION OF TOM LEE MEMORIAL PLAZAS.**

Director of Public Works and City Engineer recommends approval

MOTION: Hooks
SECOND: Holt
AYES: Holt, Hooks, Jones, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Brown, Chumney, Lowery, Marshall and Taylor did not cast a vote

APPROVED

41. **ORDINANCE REZONING THE WEST SIDE OF AIRWAYS BOULEVARD; +179 FEET SOUTH OF WINCHESTER, CONTAINING 0.276 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5130
Case No. Z 05-106

Applicant: Progress Realty Co., Inc.
William R. Swain, Jr. – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Jones
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Marshall and Taylor did not cast a vote

APPROVED

43. **ORDINANCE REZONING THE SOUTH WEST CORNER OF YALE AND COVINGTON PIKE, CONTAINING 0.53 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5132
Case No. Z 05-117

Applicant: Carl J. Grant
McCaskill & Associates, Inc. – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Jones
AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Brown, Marshall and Taylor did not cast a vote

APPROVED

44. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$315,734.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE ST. JUDE INFRASTRUCTURE GRANT TO PROVIDE INFRASTRUCTURE IMPROVEMENTS IN THE FORM OF AN UNDERGROUND ELECTRICAL DUCT BANKS FOR THE NEW TOWER AT ST. JUDE CHILDREN’S RESEARCH HOSPITAL. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones
SECOND: Holt
AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
 and Chairman Ford
 Brown, Marshall and Taylor did not cast a vote

APPROVED

45. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTH SIDE OF RAINES ROAD, ±392 FEET EAST OF MICHAEL DRIVE, CONTAINING 17,300 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**(Held from 9/20)

Case No. UV 05-04

Applicant: John Powell
 Delinor Smith – Representative

Request: Continue existing business (Retail – Trophies and Awards) with site plan approval for a new building

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Peete
SECOND: Jones
AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons
 and Chairman Ford
 Brown, Marshall and Taylor did not cast a vote

APPROVED, as amended

46. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF MT. MORIAH TERRACE AND MT. MORIAH ROAD EXTENDED, CONTAINING 14,208 SQ. FT. (0.326 ACRES) IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SUP 05-213

Applicant: Enterprise Rent-A-Car

Request: Special use permit for auto rentals

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Peete
SECOND: Jones
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete,
 Sammons and Chairman Ford
 Marshall and Taylor did not cast a vote

APPROVED

50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF CENTENNIAL DRIVE (PROPOSED); +/-600 FEET NORTH OF WINCHESTER ROAD, CONTAINING 12.91 ACRES IN AN AREA CURRENTLY GOVERNED BY AREA ‘A’ OF WINCHESTER/HACKSCROSS ROAD PLANNED DEVELOPMENT, 2ND AMENDMENT (P.D. 03-346CC).**

Case No. PD 05-342cc

Applicant: Michael Lightman Realty Company
 ETI Corporation – Representative

Request: Planned development to create Area ‘A-1’ to allow limited Planned Commercial (C-P) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Marshall and Taylor did not cast a vote

APPROVED, as amended

MINUTES

Approval of the Minutes of the regular meeting of September 20, 2005

MOTION: Mitchell
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Marshall and Taylor did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNMENT

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

CHAIRMAN

Deputy Comptroller/Council Records